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7 Attorneys for Third-Party Defendant and Cross-Claimant
SCOTTSDALE INSURANCE COMPANY

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

12 SIERRA BAY CONTRACTORS, INC., a
California Corporation,

13 Plaintiff,

14 v.

15 WESTCHESTER SURPLUS LINES
16 INSURANCE COMPANY, a Georgia corporation,
and ROES 1 through 50, inclusive,

17 Defendants.

18
19 WESTCHESTER SURPLUS LINES INSURANCE
COMPANY, a Georgia Corporation,

20 Third-Party Plaintiff,

21 v.

22 ASPEN SPECIALTY INSURANCE COMPANY,
a North Dakota Corporation; CONTINENTAL
23 CASUALTY INSURANCE COMPANY, an
Illinois Corporation; GEMINI INSURANCE
24 COMPANY, a Delaware Corporation; GREAT
AMERICAN ASSURANCE COMPANY, an Ohio
25 Corporation; GREAT AMERICAN INSURANCE
COMPANY, an Ohio Corporation; INTERSTATE
26 FIRE AND CASUALTY COMPANY, an Illinois
Corporation; LEXINGTON INSURANCE
27 COMPANY, a Delaware Corporation; LIBERTY

CASE NO. 3:10-CV-04611-RS

STIPULATION AND ~~PROPOSED~~
ORDER FOR DISMISSAL WITHOUT
PREJUDICE OF SCOTTSDALE
INSURANCE COMPANY'S CROSS-
CLAIM AGAINST LEXINGTON
INSURANCE COMPANY, IN
EXCHANGE FOR A WAIVER OF
COSTS

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SURPLUS INSURANCE CORPORATION, a
New Hampshire Corporation; NIC INSURANCE
COMPANY, a New York Corporation; OLD
REPUBLIC GENERAL INSURANCE
CORPORATION, an Illinois Corporation;
TRANSCONTINENTAL INSURANCE
COMPANY, an Illinois Corporation;
SCOTTSDALE INSURANCE COMPANY, an
Ohio Corporation; TRUCK INSURANCE
EXCHANGE, a California Corporation;
VIRGINIA SURETY COMPANY, an Illinois
Corporation,

Third-Party Defendants.

SCOTTSDALE INSURANCE COMPANY, an
Ohio Corporation,

Cross-Claimant,

v.

AMERICAN SAFETY INDEMNITY
COMPANY an Oklahoma Corporation;
NAVIGATORS SPECIALTY INSURANCE
COMPANY, formally known as NIC Insurance
Company, a New York Corporation; GEMINI
INSURANCE COMPANY, a Delaware
Corporation; LEXINGTON INSURANCE
COMPANY, a Delaware Corporation; and ROES
1 through 20, inclusive,

Cross-Defendants.

Pursuant to Federal Rule of Civil Procedure 41, third-party defendant and cross-claimant
Scottsdale Insurance Company ("Scottsdale"), and cross-defendant Lexington Insurance Company
("Lexington"), have agreed and hereby stipulate to the dismissal of Scottsdale's Cross-Claim
against Lexington, without prejudice, subject to said parties' mutual waiver of costs.

IT IS SO STIPULATED.

1 DATED: May 25, 2012

SELMAN BREITMAN LLP

2
3 By: 

Lisa M. Lampkin

4 Attorneys for Third-Party Defendant and Cross-
5 Complainant Scottsdale Insurance Company

6 DATED: May 25, 2012

SELVIN WRAITH HALMAN LLP

7
8 By: 

David A. Evans

9 Attorneys for Cross-Defendant Lexington Insurance
10 Company

11 ~~PROPOSED~~ ORDER OF PARTIAL DISMISSAL

12 Having reviewed the above stipulation, the Court orders that cross-defendant Lexington
13 Insurance Company be dismissed, without prejudice, from Scottsdale Insurance Company's cross-
14 claim, with each side to bear its own fees and costs. The remainder of the cross-claims shall not
15 be impacted by this Order.
16

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18
19 Dated: 5/30/12



20 United States District Court
21 District of Northern California